

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN PARKER, III,
Plaintiff,

v.

JEFF LYNCH, et al.,
Defendants.

No. 2:23-cv-0754 CSK P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is defendant Lynch's summary judgment motion. (ECF No. 30.) In the summary judgment motion, defendant Lynch refers to a statement of undisputed facts that was not included with his summary judgment motion. Accordingly, defendant Lynch is ordered to file and serve plaintiff with the statement of undisputed facts referred to in his summary judgment motion. In an abundance of caution, defendant Lynch is also ordered to re-serve plaintiff with the Rand v. Rowland, 154 F.3d 952, 957 (9th Cir. 1998) (en banc) Notice included with the summary judgment motion.

Accordingly, IT IS HEREBY ORDERED that:

1. Within five days of the date of this order, defendant Lynch shall file and serve plaintiff with the statement of undisputed facts referred to in his summary judgment motion; within that time, defendant Lynch shall also re-serve plaintiff with the Rand Notice included with the

summary judgment motion; within that time, defendant shall file proof of service of the statement of undisputed facts and Rand Notice on plaintiff; and

2. Plaintiff is granted fourteen days from the date of service of defendant Lynch's statement of undisputed facts to file an opposition to defendant's summary judgment motion.

Dated: August 19, 2024



CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

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